

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. R5-2008-\_\_\_\_\_

REQUIRING THE IRONHOUSE SANITARY DISTRICT  
WASTEWATER TREATMENT PLANT  
CONTRA COSTA COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2008-\_\_\_\_\_  
(NPDES PERMIT NO. CAXXXXXXX)

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. On \_\_\_\_\_, the Regional Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2008-\_\_\_\_\_, prescribing waste discharge requirements for the Ironhouse Sanitary District (hereafter Discharger) at the Wastewater Treatment Plant (hereafter Facility), Contra Costa County.
2. WDR Order No. R5-2008-\_\_\_\_\_, contains Final Effluent Limitations IV.A.1.a. which reads, in part, as follows:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Aluminum	µg/L	71	143			
Manganese	µg/L	50				
<del>Iron</del>	<del>µg/L</del>	<del>300</del>				

3. California Water Code (CWC) section 13300 states: *"Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."*
4. Federal regulations, 40 CFR §122.44 (d)(1)(i), require that NPDES permit effluent limitations must control all pollutants which are or may be discharged at a level which will cause or have the reasonable potential to cause or contribute to an in-stream excursion above any State water quality standard, including any narrative criteria for water quality. Beneficial uses, together with their corresponding water quality objectives or promulgated water quality criteria, can be defined per federal regulations as water quality standards.
5. In accordance with CWC section 13385(j)(3), the Regional Water Board finds that, based upon results of effluent monitoring, the Discharger is not able to consistently comply with the new effluent limitations for aluminum ~~iron~~ and manganese . These limitations are new requirements that become applicable to the Order after the effective date of adoption of

the waste discharge requirements, and after July 1, 2000, for which new or modified control measures are necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

6. Immediate compliance with these new effluent limitations for aluminum, ~~iron~~ and manganese are not possible or practicable. The Clean Water Act and the California Water Code authorize time schedules for achieving compliance.
7. CWC section 13385(h) and (i) require the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. CWC section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC section 13385(j)(3) exempts the discharge from mandatory minimum penalties *“where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met:*

*3(B)(i). The effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.”*

The Discharger does **not** meet Section 13385(j)(3)(B)(i) above, because the reference to *“...after the effective date of the waste discharge requirements...”* assumes the Discharger has an existing NPDES permit.

8. Compliance with this Order does **not** exempt the Discharger from mandatory penalties for violations of effluent limitations for manganese, ~~iron~~ and aluminum in accordance with CWC section 13385(j)(3). CWC section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to section 13263.3 of the California Water Code. Therefore, a pollution prevention plan if not previously completed will be necessary for aluminum, ~~iron~~ and manganese in order to effectively reduce the effluent concentrations by source control measures.
9. On \_\_\_\_\_, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Board conducted a public hearing at which evidence was received to consider a Time Schedule Order under CWC section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.
10. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.), in accordance with CWC section 15321 (a)(2), Title 14, of the California Code of Regulations.

11. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

**IT IS HEREBY ORDERED THAT:**

1. The Discharger shall comply with the following time schedule to ensure compliance with the effluent limitations for manganese, ~~iron~~ and aluminum contained in WDR Order No. R5-2008-\_\_\_\_ as described in the above Findings:

<u>Task</u>	<u>Date Due</u>
Submit Method of Compliance Workplan/Schedule	<b>1 September 2008</b>
Submit Pollution Prevention plan (PPP) <sup>1</sup> pursuant to CWC section 13263.3	<b>1 March 2009</b>
Progress Reports <sup>2</sup>	<b>1 June, annually</b> , after approval of work plan until final compliance
Full compliance with effluent limitations for aluminum, <del>iron</del> and manganese	<b>1 April 2013</b>

<sup>1</sup> The PPP shall be prepared for aluminum, ~~iron~~ and manganese and shall meet the requirements specified in CWC section 13263.3

<sup>2</sup> The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

2. For the compliance schedules required by this Order, the Discharger shall submit to the Regional Water Board on or before each compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the time schedule.
3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement. If compliance with these effluent limitations is not achieved the Discharger will be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_\_\_.

\_\_\_\_\_  
PAMELA C CREEDON, Executive Officer